corporation in any action or proceeding pending in the courts of the state or of the United States to which such corporation is a party and may revive any action which shall have heretofore or which may hereafter have abated, and such liquidation, dissolution, nationalization, expiration of its existence, or repeal, suspension, revocation, or annulment of its charter or organic law in the country of its domicile shall not be deemed to have any extra-territorial effect or validity as to the property, tangible or intangible, debts, demands, or choses in action of such corporation within the state or any debts or obligations owing to such corporation from persons, firms or corporations residing, sojourning or doing business in the state.'

"The sentence quoted above is so phrased as to make it clear that the provision against according effectiveness or validity to nationalization decrees comes into operation only in those cases in which a receiver brings suit or has been substituted for the corporation in a pending action. Consequently this particular provision is not applicable to an action such as the one at bar where neither the receiver nor the corporation is a party."

I believe that the questions involved in this suit are of too great public importance and that the interests of the corporation of whose assets I am receiver are too greatly involved, to permit the decision of this Court to depend upon the subordinate question of who is or who is not a party to the present litigation, and for that reason I desire to be allowed to intervene.

Until the argument of the Government was called to my attention, I had no way of knowing that this argument would be made. I, therefore, believe it is of the utmost importance that I be allowed to intervene on this appeal in opposition to the petitioner herein.

On the 18th day of February, 1937, the Supreme Court of the State of New York, Kings County, the Court in

which I was appointed receiver, duly made an order authorizing and directing me to submit to the jurisdiction of this Court, and to apply to intervene on this appeal as aforesaid (a copy thereof is annexed hereto), and pursuant to said order, I do hereby, as receiver of the assets in New York of the Petrograd Metal Works, submit to the jurisdiction of this Court for all necessary purposes, and ask that I be given leave to intervene herein.

In similar circumstances this Court has recognized the right of intervention by interested parties in cases pending in this Court. Precedents for the granting of this petition in intervention will be found in *Guarantee Title & Trust Company* v. *United States*, 262 U. S. 733, 264 U. S. 200; *United States* v. *Terminal Railroad Association of St. Louis*, 236 U. S. 194, 199.

The granting of this petition in intervention will not prevent the decision by this Court of the questions of law arising on this record. I am prepared to and will adopt the motion to dismiss as filed in this record by the defendants-respondents, and consent that the pleadings be deemed amended in any respects made necessary by this intervention.

In order not to delay this appeal in any way, if permitted to intervene, I hereby waive service of any notice of argument, and am prepared to proceed with the appeal when reached.

JOHN R. CREWS,
Petitioner.

STATE OF NEW YORK, }
COUNTY OF KINGS. } ss.:

JOHN R. CREWS, being duly sworn, deposes and says: I am the petitioner in the foregoing petition; that I have read the foregoing petition and know the contents thereof; that the same is true of my own knowledge, except as to those matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

JOHN R. CREWS.

Sworn to before me this }
25th day of February, 1937. }

ALBERT DORF,
Commissioner of Deeds,
City of New York,
Kings Co. Clk's No. 25, Reg. No. 7018;
Term expires Oct. 15th, 1937.

Order.

At a Special Term, Part II of the Supreme Court held in and for the County of Kings in the Municipal Building, Borough of Brooklyn, County of Kings, on the 17th day of February, 1937.

Present:—Hon. Peter P. Smith,
Justice.

Maurice Edward Meyer and Alfred Schwartz, individually and as copartners, doing business under the firm name and style of E. M. Meyer & Co.,

Plaintiffs,

against

Petrograd Metal Works, also known as Kompania Petrogradskago Metallicheskago Zavoda, and also known as Petrograd Metal Manufacturing Company,

Defendant.

On reading and filing the annexed affidavit of John R. Crews, temporary receiver of the assets within the State of New York of the defendant above named, verified the 17th day of February, 1937, it is, on motion of Samson Selig, attorney for said receiver,

Ordered, that the said John R. Crews, as such receiver, be and he hereby is authorized and directed to apply to intervene in an action now pending in the Supreme Court of the United States in which United States of America is plaintiff-appellant and Morgan Belmont and Eleanor

R. Belmont, as executors of the Last Will and Testament of August Belmont, deceased, are defendants-appellees, and it is

FURTHER ORDERED that he be and he hereby is authorized and directed to submit to the jurisdiction of the Supreme Court of the United States for all necessary purposes in that regard.

P. P. SMITH,
Justice of the Supreme Court
of the State of New York.

Granted, Feb. 18, 1937.

JOHN N. HARMAN,
Clerk.

IN THE

Supreme Court of the United States

FEB 2
LES ELM

OCTOBER TERM—1936.

No. 532.

UNITED STATES OF AMERICA,

Petitioner,

AGAINST

MORGAN BELMONT and ELEANOR R. BELMONT, as Executors of the Last Will and Testament of AUGUST BELMONT, deceased,

Respondents,

On Writ of Certiorari to the United States Circuit Court of Appeals for the Second Circuit.

Brief of Petitioner to Intervene.

This is an application on the part of John R. Crews, receiver of the assets in New York of the Petrograd Metal Works, to intervene on this appeal. In the instant suit the United States seeks to obtain a judgment giving it the balance of a deposit with the banking firm of August Belmont & Company, belonging to the Petrograd Metal Works, being assets in the estate for which the receiver was appointed.

The receiver was appointed after the argument of the case in the United States Circuit Court of Appeals.

It is vital to the interests of the receivership that the claims of the Government to the funds in question be decided at the earliest possible moment. The Government has argued in its brief that the provisions of the statute under which the receiver was appointed, which set out the public policy of the State of New York, are not applicable in the present appeal because the receiver is not a party thereto.

It would be most unfortunate if the decision on this appeal should go off on the question of who is or who is not a party to the action, or as to what court has jurisdiction.

It is for the purpose of eliminating all these technical matters so that the very important questions involved can be fully and completely decided on the merits, that the receiver has obtained the order of the Court appointing him to submit to the jurisdiction of this Court and apply for permission to intervene.

This case involves the construction and effect of the letters passing between Mr. Litvinov and the President of the United States at the time of the recognition of Russia, bearing on the assignment of certain Russian funds, which questions were before this Court about a year ago in the cases of *United States* v. *Bank of New York and Trust Company, United States* v. *President and Directors of the Manhattan Company,* and *United States* v. *Louis Pink, as Superintendent of Insurance* (296 U. S. 463) at which time they were decided on jurisdictional grounds and not upon the merits.

The decision of the questions raised in this case are of immense and immediate importance, not only to the receiver of the Petrograd Metal Works, but to hundreds of creditors and stockholders of the various other Russian corporations which have funds in this country which are now sought to be obtained by the Government of the United States.

In the instant case the respondents do not claim ownership of the fund, and have no interest other than to avoid double payment. The receiver feels, therefore, that he is the real party in interest and is entitled to come in as a party and be heard on the argument.

Respectfully submitted,

SAMSON SELIG,
Attorney for Petitioner to Intervene.

SAMSON SELIG,
JOSEPH DAY LEE,
Of Counsel.